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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,534	04/14/2004	Tsun-Chi Liao	2450-0671PUS1	4457
2292 7590 06/27/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER QIN, JIANCHUN	
			ART UNIT 2837	PAPER NUMBER
			NOTIFICATION DATE 06/27/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary	Application No. 10/823,534	Applicant(s) LIAO, TSUN-CHI	
	Examiner Jianchun Qin	Art Unit 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stanec (U. S. Pat. No. 5,727,584) in view of Yanagisawa (U. S. Pat. No. 5,881,981).

Regarding claim 1, Stanec discloses an elastomeric spring installed to the tip of a stand (Figs. 2, 6 and 7), comprising: a base (10, 10') made of an elastic material (col. 2, lines 36-38) and having a space mode substantially in an axial symmetry (Figs. 2 and 6); an installation space (Figs. 2 and 7, the cup-shaped space having conical wall where the basket 2 or 2' is positioned, and the bore 7 or 7') disposed at the top of said base; a bottom surface (the lower surface of 7 or 7'), disposed in said installation space, for inserting and securing the tip of said stand (Figs. 2 and 7); a protruded middle section, extending outwardly from a lower section of said base in a shape formed by a shell wall (Fig. 7); said protruded section having a hollow center (15'); a circular opening in said shell wall, disposed only at a bottom of said protruded middle section for contacting a floor and in communication with said hollow center (Figs. 6 and 7; cols. 2-3, lines 66-20; col. 3, lines 24-28).

Stanec does not mention expressly: said elastomeric spring is installed to an end of a musical instrument stand; said protruded middle section extending outwardly from a lower section of said base in a spherical shape; and said hollow center of said protruded section formed in the shape of a truncated sphere.

Yanagisawa teaches an elastomeric spring installed to an end of a musical instrument stand (Figs. 1-5; col. 1, lines 30-40); wherein said spring having a protruded middle section extending outwardly from a lower section of the base of said spring in a spherical shape (Figs. 1 and 4).

In view of the teaching of Yanagisawa, one having ordinary skill in the art would be able to apply the invention of Stanec to an end of a musical instrument stand, and modify the spring to form the protruded middle section in an arcuate shape, in order to produce a spring for a stand which can provide a steady support for use on both soft and hard surfaces (Stanec, Abstract and col. 1, lines 31-33), and which is efficient to isolate vibrations generated from a musical instrument (Yanagisawa, col. 2, lines 21-24).

In one embodiment (Figs. 2 and 5), the teaching of Stanec includes: a hollow center (15) formed inside of the lower section of said base; wherein said hollow center formed in the shape of a truncated sphere (Figs. 2 and 5).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Stanec's spring of Figs. 6 and 7 to form said hollow center of said protruded section in the shape of a truncated sphere, as taught in Figs. 2

and 5, in order to provide a cost-effective mechanism to make the elastomeric spring more strengthful to sustain a heavier load.

Regarding claim 2, Stanec discloses: wherein said installation space has a shape designed according to the appearance of the tip of the stand (Figs. 2 and 7).

Stanec does not mention expressly: said stand is a musical instrument stand.

Yanagisawa teaches installing an elastomeric spring to an end of a musical instrument stand (Spec. page 1, lines 7-25 and page 2, lines 1-5).

In view of the teaching of Yanagisawa, one having ordinary skill in the art would be able to merely apply the invention of Stanec to an end of a musical instrument stand in order to provide a stand which can provide a steady support for use on both soft and hard surfaces (Stanec, Abstract and col. 1, lines 31-33). The mere application of a known technique to a specific instance by those skilled in the art would have been obvious.

Regarding claim 3, Stanec discloses: wherein said installation space has a size slightly smaller than the external diameter of said tip of the stand, thereby said stand is pressed tightly into said installation space by the elasticity of said base (Figs. 2, 5 and 7; col. 2, lines 27-31).

Regarding claim 4, Stanec does not mention expressly: wherein said elastic material is rubber.

Yanagisawa teaches: wherein said elastic material is rubber (col. 1, lines 17-22).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Stanec to use rubber material to make

the elastomeric spring in order to make the elastomeric spring more cost-effective and easy to manufacture.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Response to Arguments

4. Applicant's arguments received 05/23/07 with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-4 are rejected as new grounds have been found from the cited references to teach the claimed invention recited in these claims. Detailed response is given in section 2 as set forth above in this Office action.

Applicant argued that “[w]hile Stanec shows a protruding portion, this is not in the middle of the spring, but rather only at the lower end”. This argument is not persuasive. The Examiner’s position is that, giving the claims the broadest reasonable interpretation, Stanec does teach the limitation: “a protruded middle section, extending outwardly from a lower section of said base ...” (see Stanec, Fig. 7). Applicants’ reliance upon the specification in this regard is noted. However, the feature in the specification to which Applicant refers are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant further argued that “[t]he hollow area of Stanec appears to be a disk shaped opening with an angled edge. In any case it does not appear to be hemispherical”. This argument is not persuasive. The Examiner considers that: Stanec’s teaching given in Figs. 6 and 7 does not mention “said hollow center formed in the shape of a truncated sphere”, however, the combination of the teachings in Figs. 5 and 7 reads on the claim (see section 2 set forth above for more details). The combination is proper. The rejection stands.

Contact Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jianchun Qin whose telephone number is (571) 272-5981. The examiner can normally be reached on 8am - 5:30pm.

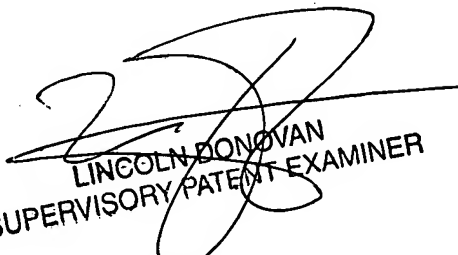
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571) 272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jianchun Qin
Examiner
Art Unit 2837

JQ JQ


LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER